

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON
Respondent,

V.

ZYION D. HOUSTON-SCONIERS
Appellant.

No. 54029-1-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

2020 NOV -9 AM 6:16

I, ZYION D. HOUSTON-SCONIERS, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this statement of additional grounds for Review when my appeal is considered on the merits.

The Appellant, ZYION D. HOUSTON-SCONIERS, here offers his STATEMENT OF ADDITIONAL GROUNDS for this HONORABLE COURT OF APPEALS to consider.

ADDITIONAL GROUNDS 1

FAILURE of THE SUPERIOR COURT TO REQUIRE DEFENSE COUNSEL TO CERTIFY TO THE TRIAL COURT THAT HE OR SHE COMPLIES WITH THE APPLICABLE STANDARD FOR INDIGENT DEFENSE SERVICES PREJUDICED APPELLANT WITH COUNSEL.

In regards to verbatim report of proceedings in CAUSE No. 18-1-04709-1, defense counsel was not required by the The Court to Submit a certification form that complies with the standard and requirements of STANDARD 14 In Washington State Supreme Court STANDARDS FOR Indigent Defense, and as set out in Washington Court Room RULES 3.1.

The neglect of that compliance in this matter at its

inception produced "FRUIT FROM A POISONOUS TREE", and Ultimately prejudiced the appellant for the following reason:

Appellants defense counsel at that time, proved to be INEFFECTIVE, DEFICIENT, and PREJUDICIAL, due to the lack of critical argument "OFFICERS FAILURE TO MIRANDIZE APPELLANT RESULTED IN VIOLATIONS OF HIS 5th & 6th AMENDMENT RIGHTS".

ADDITIONAL GROUNDS 2

"APPELLANT WAS NOT MIRANDIZED BY QUESTIONING & ARRESTING OFFICERS", ULTIMATELY TAINTING ANY ALLEGED CONSENT GIVEN BY THE APPELLANT VIA FERRIER WARNINGS AND PRODUCING FRUIT FROM A POISONOUS TREE".

In STATE V. FERRIER the Washington Supreme Court found that there were certain requirements that State actors or Police had to give to the residents of that home before they could enter the home. "THEY HAVE TO READ THE MIRANDA RIGHTS FIRST AND FOREMOST".

The Appellant proves the claim above by reference to the Verbatim Report (VR) in this matter.

*(VR pg. 186): THE COURT expresses its initial concerns regarding valid consent to search from the appellant.

*(VR pg. 87, 88): Officer RYAN BRADLEY testified he questioned Appellant about his connection to any Items in the car.

*(VRpg. 119): Officer RYAN BRADLEY testified and admitted to Questioning Appellant about his Knowledge of "ANY FIREARMS IN THE CAR" without first reading him his Miranda Rights.

*(VR pg. 303): "THE COURT" States that it did NOT find that MIRANDA RIGHTS were given to the appellant, and in fact, the

testimony from arresting officer was inconsistent as to whether the appellant was given MIRANDA RIGHTS.

*(VR pg.351, 352, 353): "THE STATE" Indicates new defense counsel "Myles Johnson" intends to call Defense witness HARMON JEROME MCFIELD to testify on the record. The summary of anticipated testimony was he would testify that the Appellant was not Mirandized. Defense Counsel also goes onto argue that officers testified that appellant was given "Ferrier Warnings" without "Miranda Warnings".

Ultimately defense counsel was unsuccessful getting Mr. Mcfield on the stand as a defense witness. However the Appellant offers this HONORABLE COURT Affidavits from both witness HARMON MCFIELD and passenger/ occupant of the Vehicle TAYVEON JOHNSON. Both affirm that appellant was not MIRANDIZED! (see attachments A & B).

CONCLUSION

The ISSUES in this matter are birthed at the Inception of this case. Arresting & Interrogating Officers "FAILURE TO MIRANDIZED Appellant" ZYION D. HOUSTON-SCONIERS, VIOLATED his 5th & 6th Amendment Rights.

The right to remain silent is a miranda warning which is a Amendment Right that appellant was entitled to, and a warning officers were required to give to Appellant before taking him into custody. The right to a lawyer is a Amendment right the Appellant was entitled to, and a warning officers were required to give Appellant once they intended to interrogate Appellant on suspicion of the crime.

During Officer RYAN BRADLEYS Brief interrogation of the Appellant about his connection to any items in the car, and Any Knowledge of firearms in the car without MIRANDIZING Appellant

was illegal in its self.

This constitutional violation furthered into a "PREJUDICIAL DOMINO EFFECT" at the 3.6 Suppression hearing ruling when defense counsel failed to litigate and move for suppression properly based on these constitutional violations. Defense counsel at that time was deficient and Ineffective in their assistance.

The Appellant argues: the Superior Court, was NOT a COURT OF COMPETENT JURISDICTION". He proves this claim by reference to the requirement of WASHINGTON STATE :SUPREME COURT STANDARDS for INDIGENT DEFENSE 14.1", and further set out in WASHINGTON COURT ROOM RULES 3.1-RIGHTS OF DEFENDANT-"

For criminal and Juvenile offender cases, a signed certification of compliance with applicable standards must be filed by appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

Does the standard 14.1 for indigent defense, and CrR 3.1 confer and regulate the Superior Courts subject matter Jurisdiction? If so, does a failure to follow the Statute (and other related statutes) lose the court its "competent Jurisdiction".

The Superior Court is not an exclusively autonomous entity. Its Jurisdiction is subject to Statute and Constitutional principle.

Any failure in compliance on the part of the court and "competency" is lost as "compliance is essential". In this matter "competency" acts as Key triggering requirements for standards for Indigent defense as shaped by CrR 3.1(d)(4).

Now considering the 5th & 6th amendment violations usually result in suppression of statements, however in this matter these

CONSTITUTIONAL VIOLATIONS Survived thus far, and for that reason Appellant request of this HONORABLE COURT to NOT only exclude statements, Backpack, and evidence within the backpack that may have been tied to the Appellant, But Also Rule that the Ineffective assistance of counsel and "THE SUPERIOR COURTS" failure to require defense counsel to certify to the Court that he or she is in compliance with standard 14.1 and CrR 3.1(d)(4) Prejudiced the Appellant and the Court did in fact lose its "Competent Jurisdiction". The Appellant request that this HONORABLE COURT REMAND THIS CASE BACK to the Superior Court with "COMPETENT JURISDICTION" for a RE-TRIAL or the instruction to VACATE this case.

Signed: Houston-Scniers, Zyion
(Print): ZYION D. HOUSTON-SCNIERS, pro se
Monroe correctional complex
16550 177th Ave SE
P.O. Box # 777
Monroe, WA 98272
DATED: November, 4, 2020

ATTACHMENT - A

February 24, 2020

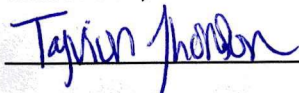
To Whom It May Concern,

My name is Tayvion Johnson. I am writing this letter on behalf of Zyion Houston-Scioners regarding the incident that happened on November 27th, 2019 around 4:15pm. This started off as traffic stop that extended to Zyion being pulled out of the backseat. It was blatantly clear that Zyion was target from the beginning. When TPD (Tacoma Police Department) pulled Brianna Cuban over for a traffic stop, there were 2 officers that approached each side of the vehicle, my side & Brianna's side. The officer first asked for her License and registration. She did not have a valid driver's license or insurance so she was then issued a citation. Another officer approached Brianna's side and stated she was "making funny gestures" towards the glove box. Immediately after the officer comes and pulls me out of the passenger front seat and then detains me and has me standing outside the vehicle, with no explanation given. Directly after that they noticed Zyion in the backseat, which another officer coming from the shell gas station had already knew Zyion was in the backseat which seemed suspicious because the officers already knew his identity. They immediately pulled Zyion out of the backseat and detained him as well with no reason given. Everyone was 100% cooperative with the officers. Brianna was detained shortly after as well. The officer that stated that they saw the "funny gestures towards the glove box". They immediately went through the glove box with no actual reason or consent from anybody. The officer was so adamant to get to the glove box, which he did. He then found a firearm in the glovebox. They then approached me asking whose firearm was it, I stated that it wasn't mine. Brianna was stating that everything found in the vehicle was under her possession. They then continued to search the vehicle going into the backseat straight to the backpack, there were other bags in the backseat, so it was strange at the fact they immediately went to "that" backpack. They then started questioning Zyion about what was found in the backpack. Without reading him his rights. Nothing else mattered after the focus was shifted to Zyion. Prior to that none of us had given consent to search the vehicle. While I was detained I overheard the officer stating Zyion's prior arrest charges from 2013 stating "we got his ass". Which in turn made me feel like he was a target from the jump. Everything else that was found in the vehicle was thrown out of the window. Zyion left being the only one charged. To this day, this was a traffic stop that was extended passed the person being pulled over. This traffic stop was more towards Zyion than the driver (Brianna) having no License or Insurance. Not to

mention the time of the day, late afternoon in November, meaning it does get darker earlier and the windows were also 5-10 percent tinted so there's no way the officers could have been able to see thru the windows. My question to the courts is what happened to these other charges? Why was Zyion the only one charged here and he wasn't even the driver, he was a backseat passenger.

Any questions or concerns feel free to contact me at (253) 222-9225.

Thank You,



Tayvion Johnson

STATE OF Washington

COUNTY OF Pierce

On this day personally appeared before me Tayvion Johnson to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 24th day of February, 2020.



Notary Public residing at Tacoma, WA

Printed Name: Demetrius Moore

My Commission Expires: 07/26/2020

Notary Public
State of Washington
Stephen Demetrius Moore
Commission Expires 7-26-2020

ATTACHMENT - B

PERSONAL STATEMENT: To whom it may concern

My name is Herman McField, I am writing this letter on behalf of Zyron Houston about the incident that I witnessed on November 27, 2019. I reside at 1235 South Grant Ave. I walked to the end of my street on the 14th Ave side and seen 5 police officers that had Mr. Houston, Jayvion Johnson, and Briana Cuban detained. When I walked up there officers were talking to Mr. Houston and asking for consent to search the car from him and Mr. Johnson and both gentlemen refused. I heard Mr. Cuban say that everything in the car was hers. The car was a Cadillac CTS with very ^{tinted} dark windows that you could not see through. After the unconsented search the officers proceeded to question Mr. Houston about the findings from the search, I didn't hear them merchandise him before placing him in a squad car and hauling him to jail. This traffic stop targeted Mr. Houston, he was charged for 1 of the 2 pistols found and nobody was charged with the drugs found.

Herman McField Herman McField

State of Washington

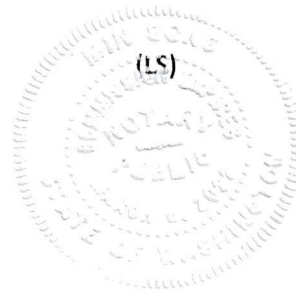
County of Pierce)

I certify that I know or have satisfactory evidence that Herman McField is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

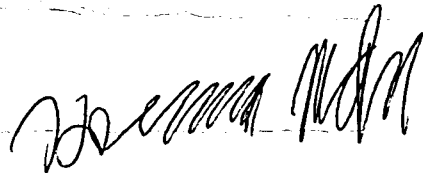
Dated: 2/24/2020
2/18/2020

[Signature]
Notary Public


My Appointment Expires: 03/06/2022

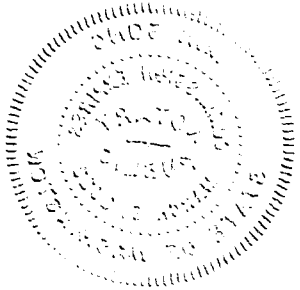


The second gun was in reach of a different passenger.
Mr. Houston was the back seat passenger side passenger.
It was strange to me seeing the police asking questions
about finding without interviewing Mr. Houston,
Everyone else was released and I believe Ms.
Cubear ~~was~~ received a traffic citation. This
is not my first time witnessing Mr. Houston
being targeted on the tiliptop, this was evident
they were more worried about Mr. Houston
then a traffic stop. I don't understand
how Mr. Houston could be charged with the
with a gun and nobody was charged with
drugs or the other gun found, unfair
and unjust if you ask me



Hermon McField


2-18-2020



(253) 240-8656 if you have any
questions.

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON	No. <u>54029-1-II</u>
Respondent,	
V.	STATEMENT OF ADDITIONAL
ZYION D. HOUSTON-SCONIERS	AUTHORITIES (RAP 10.8)
Appellant.	

The Appellant, ZYION D. HOUSTON-SCONIERS Pro-se, hereby submits the following ADDITIONAL AUTHORITIES:

- 1). WASHINGTON STATE SUPREME COURT STANDARDS FOR INDIGENT OFFENSE (14.1).
- 2). WASHINGTON COURT ROOM RULES 3.1(d)(4).
- 3). Lightfoot v. cendent Mortg. corp, No. 14-1055 (U.S. 2017).
- 4). Carnival Cruise lines v. Shute, No. 89-1647 (U.S. 1991).
- 5). UNITED STATES v. MORTON, 137 S.Ct., at 563-564.
- 6). Skagit Motel v. Dept. of Labor & Indus., No. 52269-3 (1987).
- 7). Venturini v. Nabors, No. 27936-3-II (2002).
- 8). Griffith v. city of Bellevue, No. 63230-8 (1996).
- 9). State v. Wakefield, No. 63085-2 (1996).

The above case(s), Statutes, and court room Rules, support the argument(s) of the Appellants (SAG-RAP 10.10) ADDITIONAL GROUNDS #1

- 1). MIRANDA v. ARIZONA, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed.2d 694.10 A.L.R. 3d 974 (1966).
- 2). UNITED STATES CONSTITUTION. 5th AMEND..

- 3). UNITED.STATES.CONTITUTION. 6th AMEND.. ;
- 4). WASHINGTON COURT ROOM RULES 3.1 (c)(1).
- 5). STATE v. FERRIER, 136 Wn.2d 103, 960 P.2d 927.
- 6) . STATE v. VRIELING, 144 Wn.2d 489, 28 P.3d 762 (2000).

The above case(s), Statutes, Court Room Rules, and U.S. CONST. AMENDMENTS, Support the Appellant (SAG-RAP 10.10) ADDITIONAL GROUNDS #2.

DATED this 4th day of NOVEMBER, 2020.

Houston-Scniers, Zyion
HOUSTON-SCNIERS, ZYION

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